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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,954	02/13/2002	Charles Andrianjara	A0000476-01-CFP	9823

28880 7590 08/18/2005

WARNER-LAMBERT COMPANY  
2800 PLYMOUTH RD  
ANN ARBOR, MI 48105

EXAMINER
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TRUONG, TAMTHOM NGO

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/075,954

Applicant(s)

ANDRIANJARA ET AL.

Examiner

Tamthom N. Truong

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9,12-15 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,12-14 and 29 is/are rejected.
- 7) ☒ Claim(s) 9 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/13/04 (pages 3 + 4 only)  
5/16/03 + 5/28/02
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. attached.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's amendment of 5-23-05 has been fully considered. The amendment has replaced the term "characterized" with the term "wherein" in claims 3, 4, 9, 12-14. Thus, the previous 112/2<sup>nd</sup> rejection for said claims is withdrawn herein. The dependency of claim 29 has been corrected. The cancellation of claims 30-39 has rendered moot the previous 112/1<sup>st</sup> rejection.

Claims 2, 5-8, 10, 11, 16-28, and 30-39 have been cancelled.

Claims 1, 3, 4, 9, 12-15, and 29 are pending.

On 8-4-05, examiner Truong left a voice message for Mr. Todd Crissey in an attempt to resolve the following 112/2<sup>nd</sup> issues; however, no response had been received from Mr. Crissey.

#### ***Claim Rejections - 35 USC § 112, Second Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 3, 4, 12-14, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following reasons apply:

a. Claims 1, 3 and 4 recite the definition of Z<sub>1</sub> which includes the following condition:

“and when one of the carbon atoms in the hydrocarbon chain  $Z_1$  is replaced with a sulphur atom which is unsubstituted or substituted with one or two oxygen atoms, then the group  $-C(=Y)-Z-$  optionally may be absent in the general formula (I).”

However, in the absence of  $-C(=Y)-Z-$ , it is unclear if the group S, SO or  $SO_2$  would be directly bonded to the pyrido ring, or bonded via a  $-CH_2-$  since it is not definite which carbon of the hydrocarbon chain could be replaced with S, SO or  $SO_2$ .

Furthermore, the phrase “*optionally may be*” raises uncertainty as to whether or not  $-C(=Y)-Z-$  would be absent.

b. In claim 1, the definition of  $R_5$  includes the limitation of  $-R_{19}-C(=O)OR_{15}$ . It appears that  $R_{19}$  is a linking group (or a divalent moiety); however, it represents “(C<sub>3</sub>-C<sub>6</sub>)cycloalkyl” which is a monovalent moiety that is used as a terminal group. Therefore, the scope of  $R_{19}$  has indefinite metes and bounds.

c. Claims 12-14 and 29 are rejected as being dependent on claim 1 and carrying over the limitation of  $Z_1$ .

### ***Claim Objections***

2. Claims 9 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The definition of  $Z_1$  in claim 9 is clearly defined while claim 15 recites only species. The prior arts of record do not teach or fairly suggest the compounds recited in claims 9 and 15, which have the side chain of *4-methoxy-benzylcarbamoyl*, or *carboxylic acid-4-methoxy-benzylamide* at the 6<sup>th</sup> position.

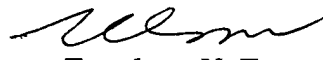
***References cited on PTO-892***

Some references cited on PTO-892 are US equivalents of WO references cited on the IDS. Others are cited for bearing relevant subject matter, but having a later effective filing date.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 571-272-0676. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Tamthom N. Truong**  
Examiner  
Art Unit 1624

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8-7-05

  
**JAMES O. WILSON**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1000